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THE
Pretender an Impostor :
Being that part of the
MEMORIAL
From the *English* Protestants
To their Highnesses
The PRINCE and PRINCESS
OF
ORANGE,
CONCERNING
Their Grievances, and the Birth of the
Pretended Prince of *Wales.*

Which is more than a sufficient Answer to the Old Depositions, about that Matter lately Published.

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T H E
P R E T E N D E R
A N
I M P O S T E R.

WHEN we saw the Incredulity and Mockery of the Multitude at the story of the Queens great Belly, and the sad apprehensions of the more Considerate, that for the politick support of the Popish Design a counterfeit Son of the King's might be impos'd on the Kingdom, we resolved to observe and keep Memorials of the Rise, Progress and Issue of the whole matter (as far as we could get intelligence.) We presently perceived that the Popish Priests were the prime reporters and most confident Asserters of the undoubted truth of the matter; and they boldly took upon them to presage, that the Queen was with Child of a Boy, that was to finish the settlement of their Church in *England*, as certainly as if they had seen the *Fetus* perfectly formed in her Womb, or rather as if they had been privy to the Plot of a Supposititious Boy, and had their Cue in the Management of it.

Their manner of talk and boasting increased the general suspicion; we knew that sort of Priests maintained the vilest wickednesses to be lawful for their Church's service, and that they have been notorious for Impostures and Forgeries of all sorts; they once forged an Eternal Gospel (as they called it), to support the Orders of the Mendicant Fryers; and if we may believe some of themselves, they have a Father Titular in some rich Convents to forge Titles to any Man's Land adjoyning to theirs when the Convents have a mind to them: those Priests contrived Queen *Mary's* great Belly for a Counterfeit Heir to the

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Crown, to have carried on their Catholick Cause; and as great publick Triumph and solemn Prayers for her Belly were made at *Rome*, and in all Popish Countries, as have been made in our Queen's Case: but their design was unluckily crossed when her Deliverance was expected, and their Joys and Prayers vanished in smoak.

Some of those Priests were Agents for the bloody and unnatural Usurpation of our King *Richard* the Third. A Priest preached at *St. Pauls* Cross to make the People believe that King *Edw.* 4. his elder Brother, whose Sons King *Richard* had murdered, was a Bastard, not the lawful Son of *Rich. D. of York*; and that *Richard* was the true Legitimate Son, and had been a long time wronged of the Crown belonging to him.

It was a Priest's invention and management, to set up *Lambert Symnel*, a Baker's Son, against King *H.* 7. counterfeiting him to be Earl of *Warwick*, who laid claim to the Crown, and was proclaimed King in *Ireland*, and marched into *England* with a good Army to maintain his Pretence: and by the like advice *Perkin Warbeck*, another Counterfeit, was set up against the same *H.* 7. by *Margaret* Dutches of *Burgandy*, to be *Richard* the younger Son of *Edw.* 4. and made such a considerable party in *Ireland*, and was so received and assisted in *Scotland*, that he bid fair for the Crown. And we could not forget what a cheating trick the Jesuits invented and practised of later years about procuring an Heir to a Crown that is become their chief support in *Europe*.

The Remembrance of these, and many other wicked frauds of the Romish Priests of the like import, to change the Succession of Crowns, to serve their Church; and seeing them so busie and industrious to prepossess the Peoples minds with an opinion that the Queen had a great Belly, and that it was a Son, when it was impossible in Nature to be known, if she had been then really pregnant; these things, we say, put together, confirmed our suspicions that they acted a part as they were influenced, and that a counterfeit Son might be resolved on to be set up for Prince of *Wales*, as common Fame confidently reported.

The Collections and Observations we have since made of the things that occurred during the Queen's supposed

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supposed pregnancy, and about her pretended Delivery of this Son, have made the truth of the matter so plain in our apprehensions, that now we no more suspect, but conclude and believe this pretended Prince of *Wales* to be a mere Counterfeit: and we hold it our Duty to your Highnesses, to our Country, and to the whole Protestant Interest (this Child being set up against all these) to set before you all the Memorials we have taken in the whole matter, several of us at least having been very near the Court during the whole Transaction.

We crave leave to put your Highnesses in mind, that before we can convincingly set forth the special and particular Facts and Circumstances we have remarked in this matter, 'tis necessary that we first remember and evince the truth of some general Conclusions about the Proofs and Evidences whereby a true Judgment ought to be made of this supposed Prince; and if your Highnesses shall be clearly satisfied in the truth of those Conclusions, whereof we cannot doubt, you may be fully convinced by them alone, without further hesitation or inquiry, that this supposed Prince of *Wales* cannot be justly judged by any kind of Rules of Justice or Law to be in truth born of the Queen.

The first certain Conclusion to be remembered is ^{Grounds for} this, That by the Universal Rules of Justice and Equity, any Child of our Queens (that was expected ^{the Pr. of} *W. being* or hoped to be Heir of the Crown of three Kingdoms, ^{suppositi-} and to postpone or set aside an undoubted Heiress ^{ap-ous.} apparent, and also the right Expectance of a warlike Prince, and divers Princesses of the Blood) we say, such a Child ought to have been attested to be born of the Body of the Queen, of the personal certain knowledge of proper Witnesses futable to the case and concern, in so great a number, and of such unspotted fame, undoubted authority, and perfect indifferency, that the Proofs of its Birth could never have been reasonably drawn into doubt or question, either in *England* or any other Christian Kingdoms or States.

A Son of the Queen's Body had naturally and really made an entry in the moment of his Birth, upon the apparent right of her Royal Highness: She had thereby

thereby rightfully ceased to be Heiress apparent to the Crown, and no Rules of natural Civil Justice, nor the Law of any Civil Government, will allow or suffer entries to be made, and persons to be outed of the Rights they apparently had in Judgment of Law, without sufficient Proof either of Right paramount to the others, or a determination of those former Rights apparent.

Our *English* Laws, and special Statutes for that purpose, abhor any Entry upon the apparent legal Right of another, either of the Will of the King, or of any Subject; the Admission of such a Practice is absolutely destructive of Property and all Civil Justice and Government; it dissolves the whole Civil Government, and turns all into the confused course of natural Right; wheresoever a Civil Government and Property is established on Entry of Will upon the legally apparent Rights of others, without sufficient Manifestation of their own greater or better Rights, it is directly contrary to God's Eternal Law, and that of all Righteousness amongst men.

Upon these certain infallible Foundations we build our Conclusion, That this supposed Prince of *Wales*, born of the Body of the Queen, ought by the Laws of *England*, the fundamental Rules of all Civil Justice and Government, and by the unalterable Laws of God, to be manifestly proved by them that pretend it, beyond all possible Contradiction, in such manner as is described and specified in the preceding Conclusion; and such Proofs ought to have been publicly divulged and made known to *England*, and the World, before his Patrons ought to have entred in his name upon her Royal Highnesses Right, in the Judgment of our Laws to be stiled and reputed the Heiress apparent to the Crown of *England*, and to assume to him that Honour and Glory, which her Highness justly had in *England*, and all the Kingdoms and States of *Europe*, to be apparently the next Successor to the Crown of *England*.

Questionless all the civilized Kingdoms in the World, that are hereditary, have pursued these principles of Justice and Reason in their common Custom, to have their Princes born in the presence of the Princes of the Blood, the chiefest Men of Religion, and the

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the greatest Nobles and Officers in the highest Trusts for the Kingdom, and the Ambassadors and Ministers of foreign Kingdoms and States: That the Heirs of those great Inheritances might be so known and manifest, that it could not be possible for any Controversies to arise about their Births, and their being the lineal Heirs of the respective Kingdoms. Whensoever Rights of any kind are obtained merely by virtue of Birth, those that claim them are bound to prove by Witnesses sutable to the respective Circumstances of every Case, the reality of their pretended Birth, at their peril of being justly excluded from the Rights they demand: yet Justice does not always require the like Witnesses, and clearness of Testimony about the Birth of all common Persons; the Circumstances of their cases being so different, that Witnesses of such Qualities and in such a number as may be sufficient proof for the Birth of one Heir, may justly be judged insufficient for the birth of another.

But the Birth of the pretended Prince of *Wales* was *Circum-* attended with such Circumstances, that Justice re-*stances of* quired should have been testify'd by a plenty of such *his being* Witnesses as their proof might have amounted to the *doubtful*. highest degree of Certainty possible to be built upon humane Testimony; doubtless the Circumstances of his pretended Birth were very extraordinary.

It was generally reputed and believed, that the Queen's sicknesses and infirmities had disabled her to bring forth a living Child. The famous Physician Dr. *Willis* shewed that opinion to his Brethren, of one of her Children, when her Majesty was much stronger, saying, there were *mala stamina vitæ*; and the popular Opinion therein was confirmed by several years experience.

It was notorious that two hundred to one throughout the Kingdom did not believe the report that her Majesty was with Child, notwithstanding all that was said of it by the King and the Queen, and the Prayers enjoined thereupon.

That her Majesty's pregnancy was as little believed in foreign Protestant Countries, as in *England*; and Pamphlets were published in several Countries as well as in *England*, that declared the Report of the Queen's being with Child, to be nothing more than an Artifice

of

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of the Jesuits, by those hopes of a Popish Successor to the Crown, to encourage the Catholicks in their Designs, and to gain Profelytes.

It was publickly known there was a jealousy in the greatest part of the Kingdom, that the Popish Councils had designed to impose upon them a counterfeit Prince of *Wales*.

There were also Circumstances about the Birth of this supposed Prince, of another sort, and no less important. It was the general opinion, that the Security or Danger of the Profession of the Protestant Religion, not only in *England*, but in all the Kingdoms and States of *Europe*, would be the certain consequence of her Majesty's bearing or not bearing a Prince of *Wales*.

The Birth of such a Prince was to be a great diminution of many Princes and Princesses in their Expectancy and Right to the Succession to the three Crowns, and threatned *England* with the Danger and Misery of falling under an Infant Prince in name, and in truth under the Domination of *Rome*.

No certain
Proofs of
P. of
Wales's
Birth.

All these special Circumstances attending the Birth of this supposed Prince of *Wales*, being of such a nature, import and Number, as the like never met together before in the Expectations of the birth of any Prince in the World; in this Case, natural Justice, common to all Nations, and the practical Reason of the special customary Law of *England* in the proof of Matters of fact: we say, both universal Justice and the peculiar Law of *England* required indispensably, that there should have been such proper proof that this supposed Prince was born of the Queen, as was answerable to all the special Circumstances in the case, such proof as had comprehended the Objections that might arise from every of them as fully as was possible in the Nature of the things, that the testimony of his Birth might have been sufficient to have satisfied the most jealous and distrustful about it in our own and foreign Countries, and to have removed all the prejudices against it that were known to have been spread far and near by common Fame.

It was absolutely necessary in Justice, Law and Prudence to have had such proof of his Birth as our precedent Conclusion hath asserted: that is,

That.

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That there had been Testimony of it, of personal and absolutely certain knowledge. Women to have testified their personal sight and perception of that very individual Child coming naturally out of the Queen's womb; and men to have witnessed their immediate free and full sight and inspection of that very Child by the womens assistance in his pure natural nakedness, with all the known marks and tokens of his being just separated from the womb, and from those other things that are natural to the Birth of a Child; the effects of such separation being there visible, and impossible to be hidden: such Testimony is always provided for in the Birth of every Prince of the Blood in *France*, tho never so remote from the Crown.

That the Witnesses of those matters had been fit and proper witnesses, futable to the greatness of the Persons and Things that might be in question, and to the vast extensive Consequence that may ensue thereupon. Nature, or the first Light from God created in the minds of mankind, dictated the equity of such *Roman Imperial Laws* as appointed those who asserted Filiation or Marriage, to prove them by fit or proper and most unquestionable Witnesses. Most of the Writers about those Laws serve themselves therein of these Words severally, which we will for shortness put together; *Matrimonium & filiationem qui asserunt, debent probare per testes idoneos omni Exceptione majores*; they that alledg a Marriage or a Child bearing, by virtue whereof they claim, ought to prove it by Witnesses that are above or beyond all possible Exception: in this case there ought to have been such fit Witnesses as nothing could be objected against them in any respect, either by Englishmen or Foreigners.

Objections
against it.

That the Witnesses which Law and Prudence required of both Sexes, had been fit and proper in respect of their years, or age; that the Women had been Matrons, whose Gravity and Sobr ety were fit to attract some decent Reverence from the men of like Quality, in their exposing to them nakedly the works of Nature, as was unavoidably necessary.

That they had been fit and proper in regard of their sufficiency of knowledge and understanding in the matters of Child-bearing; such as knew by Experience

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all those works of Nature, in what manner the Mothers ought to be and are customarily treated in their real Travel and Child-bearing, and immediately after it; and what are the natural Symptoms in the Mother that accompany the real bringing forth of a Child before it hath been its natural time of nine Months in the Womb, and at its due natural time; and also the signs of a Child perfectly grown in the Womb, or brought to light before its time of perfection. It was of necessity that the Witnesses had been of such knowledg and experience in all these Matters, or so sufficiently informed about them by others of skill and faithfulness, that it might have been manifest to the Kingdom that such Witnesses could not be imposed upon, deluded, or deceived by any cunning Artifices to believe this pretended Prince to be born of the Queen, if he were in truth supposititious and counterfeit.

The general Rules of our Canon Law required, that the Witnesses had been publicly known to the Kingdom by their Persons or their Names, their Intrests, Concerns or Imployment. Our Fundamental Laws have taken care that all matters of Fact should be decided by Juries of the Neighborhood where the Facts are done, that the Witnesses that testify them, maybe known to the Jurors; and Fraud is always suspected, if persons unknown to the Neighborhood of the Facts be produced to witness them, unless there be manifest reason for their knowledg of the Fact better than those that were near to the Place, and known to the Jurors.

The reason of our Law is of impregnable force in the Case of the supposed Prince, that the Witnesses of his Birth should be persons publicly known, on whose knowledg, truth and credit, the whole Kingdom and the Christian World should rely in a matter of such vast consequence. Obscure unknown persons, never publicly named or heard of in this or any foreign Kingdom, and above all obscure Foreigners, *French* or *Italians*, or others, ought not to be deemed fit or competent Witnesses to satisfy the Kingdom in this Fact, Indeed when Circumstances are considered, it will be evident that their pretended Testimony ought to be rejected; and if it be offered,

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II

ferred, it justly puts a prejudice upon their pretences, in regard there was a whole Kingdom, besides all the eminent Ministers of foreign Princes and States, out of which Witnesses might have been selected, that were publickly known and heard of by all the People; and the necessity of it was never so manifest in any case, it being known to his Majesty and his whole Court, that the Queen's being with Child, was not generally believed either in *England* or foreign Countries.

Common Justice required that the Witnesses had *Grounds of* been fit and proper, in respect of their high distinguishing Quality; either that they had been dignified with some of the highest Ecclesiastical Dignities, as Arch-bishops, or Bishops; or had been by Birth or Creation of the degree of the greatest Nobility of the Kingdom; or that their extraordinary Worth had raised their Reputation, and had been honoured with the great and eminent Offices of Trust in the Realm. *Suspicion.*

Our Laws are impartial to High and Low in hearing the Testimonies of Witnesses in every Case: and therefore they duly consider both the Circumstances of every Fact to be proved, and of every Witness, and his Capacity to prove it, Our Laws indeed judge not Truth and Integrity to be annexed and intailed to Dignity, Nobility or Greatness; yet they justly claim the Testimonies of Persons of great Dignity in the Church, or of Noble Birth, and raised Knowledge and Fortunes, and independant upon others, as more free from Exception (which this Case requires) than those of weak understandings, without the advantage of excellent Breeding and Instruction, or Indigent, and bound to depend on the Favour of others for their support, like Nurses and Midwives and other Servants.

Therefore (*ceteris paribus*) the capacity and Probability of knowing the Facts, and the Indifferency of Witnesses of High and Low degree being equal, our Laws justly allow most Weight and Credit to the Testimony of dignified and noble Witnesses; and they are therefore required to prove the Fact of a Prince's Birth, whereupon depends the Right and Title to Kingdoms to exclude the apparent Right of one, and to put another into possession of the same.

Our Laws presume Persons of such high degree to have greater sense and regard to Conscience, more generosity and contempt of Falshood, and more tenderness of their Honour than those of Low Condition; and on that presumption, Noblemens Affirmation, upon their Honour, are in many Cases accepted by our Laws in lieu of their Oaths, to which all others are obliged in the same or like Cases: and for that reason their Declarations of the Birth of a Prince, without their making Oath thereof judicially, have been as certainly relied upon by the Kingdom in the Descent of the Inheritance without Dispute, as if they had sworn their knowledg in the forms of Justice.

There are also other circumstantial Reasons (to which our Laws have regard) for the greatest value to be put upon the Testimony of the Nobility of both Sexes about the Birth of a Prince; they are most accustomed to the presence and conversation of the King and Queen.

Witnesses
wanting or
defective.

Such Ladies are justly presumed to be free from too great awful Distances, common to those of lower Quality; and to have more Audacity and Confidence to make such near Approaches to the Queen in her Travel and bringing forth as are necessary, that they may be ocular Witnesses that they have seen the Child in its very Birth; and such Nobles are more bold and free to take such a searching View of the Child in its naked Naturals as may make them knowing witnesses of its Birth, and absolutely certain that they are not deluded with a Supposititious Child.

Such Noble Witnesses are also known to have greater Obligations upon them than others, to prevent all possible Questions and Disputes that may arise by any uncertainties about the Succession to the Crown, which may divide and destroy the Kingdom; and their great Interest and Posterities, their Conditions and Fortunes are supposed, by our Laws, to be above temptations by Bribes of Wealth, or Honour, to connive at falshood, or to stoop to serve a counterfeit Prince.

Upon all these Considerations, the Witnesses of the Birth of every *English* Prince ought to be of such High and Noble Quality; and it was known to have been infinitely more necessary, that the Reason of our Law had been exactly observed in the case of this supposed Prince, than ever it was since the foundati-

on of the Kingdom; there never was any such occasion to have stopped the mouth of publick fame, or to have shewed the justly jealous Subjects, that there were such fit and proper Witnesses, that a Prince was now born of the Queen, as were unquestionable, without any possible exception, whose Truth and Faithfulness might be relied upon securely. Justice also required, for full Security, that there had been competent and sufficient numbers of those fit and proper Witnesses; at least that there had been so many of them as were able to obviate all ways and practices of deceit, that it could not have been supposed to be possible that a Fraud had been upon them.

This sort of Caution is always just and necessary in the Birth of our Princes; but in the present case there could have been no honest end, intention, or pretence to have confin'd themselves to a small number of Witnesses of a Fact, wherein a Kingdom, known to be filled with just suspicions of an Imposture to be put upon them, were to be satisfied merely by the Witnesses averment, and a Noble Princess also to be excluded from being Heiress apparent to the Crown.

Our Laws require Witnesses of Facts answerable to the Nature and Circumstances of them, and always require ample Testimonies, when the Parties obliged to prove them had it in their power and choice, without charge or burden to themselves, to multiply their Witnesses to what number they pleased, and could not be ignorant of the usefulness or necessity of it; and yet more especially if the Fact were such, whereby great benefit was to accrue to them, and answerable Loss to others; in such a Case it would much abate the strength of the proof in the course of the Law, if there were such a small number of Witnesses as might leave room for any Objection, or the least doubt of the Fact.

The antient *Roman* Imperial Laws in the Cases of Subjects, when there was a Posthumus to be born that might exclude another Heir apparent; we say; those Laws in common natural Equity, to prevent a supposititious Child, appointed 30 days notice to be given to the apparent Heir, and all others whose Right was concerned, of the expected time of her Travel and Delivery, that on the behalf of the Heir apparent,

Wo.

Women might be sent to be present to see the Birth of the Child that might become the Heir : that Law confined the number to five free Women to be sent, allowing her that was to be delivered, also five Women of her own chusing, and no more ; so that the number to be present at her delivery should not exceed Ten, besides two Midwives, and Six Maid-Servants that were no Witnesses.

*More
Grounds of
Suspicion.*

This Rule was set down positively in the Empire, as the Dictate of natural Equity and Prudence ; and tho *England* hath no positive written Law, that prescribes any set number of Friends to be sent in such a case by the Heir apparent, to see the Birth of such a Child, yet the Custom and Practice is in every such case (tho no Fraud be suspected) to give notice to the next Heir, and that some of their Friends are customarily sent (to what number they please) to be present at the Birth of the Child, that may be an Heir to the Exclusion of another.

That practice with us is not of Favour, but of legal Right ; our Common Law generally binds all that set up a claim to any thing that another hath, to give such notice of his pretence as is needful to make his just defence if he can, and to prove the Fact whereby he claims, by such a number of Witnesses as may put the Truth of it out of doubt to the Court of Judicature ; but that number in the course of our Law is greater or smaller, according to the Cause that appears of jealousy or distrust of the Truth of the Fact pretended.

These Rules of our Law, and the Reasons of them fully include the case of a Pretence of a Child to be born to exclude an Heir apparent ; and if there were many known grounds, of Suspicion in any such case, that it was designed to set up a supposititious Child, and a notorious common Fame of it, and no notice were given of the time expected of the Child's Birth, hoped to be Heir, to the then Heir apparent, or to any that had expectances of the Inheritance ; We say, in such a case, by the Rules and Practices of our Laws, a small number of Witnesses of the Birth of a Child ought not to be believed, since they that should claim for such a Child, might by due notice to the Parties concerned have had such Witnesses as had put the Child's Birth beyond all question.

Certainly

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Certainly by the Reason of our Common Law, there ought to be a much greater number of Witnesses of the Birth of every of our Princes, than of the Birth of the Subjects Heirs; but our Law requires that the Birth of this pretended Prince of *Wales* should have been proved by a greater number of Witnesses than was ever needful heretofore, in the case of a Prince: there ought to have been so many fit and proper Persons present at his pretended Birth, that it might have been manifest to all that had heard it, that the Eyes of so many Witnesses of such Condition, Knowledg and Judgment, could not have been deceived in what they had testified to have known and seen; the number ought to have been so considerable, that there could have been no reasonable Suspicion, that so many of both Sexes, and of various Dignities, Honours and Interests (and some of them of Consanguinity with the former Heiress apparent) had made a Confederacy amongst themselves to abuse the Kingdom with a counterfeit Prince, and that so many had kept each others Counsel in a Fraud and Falshood so odious and injurious.

It had been common Prudence as well as Justice to the Realm, that the Witnesses of the Birth had been very many, that amongst such a number some of them might have been known in one part of the Kingdom, and others in another part, and that some of their Names and Qualities might have been known in Foreign Countries, and for that reason the Ministers of Foreign Princes (according to Custom) ought to have been some of the Witnesses; the Peoples knowledg of the Names, Qualities, or Persons of the Witnesses, had much conduced to their fuller assurance of the Truth: it would have appeared to them incredible and almost impossible that the Integrity of such, and so many Witnesses could have been attacked either separately or jointly.

But on the contrary, seeing Custom and Law required a good number of fit and proper Witnesses to have made up a Testimony of the Birth of a Prince, that might have been truly said to be *omni Exceptione major*, above all possible Objections against it; and seeing the Wit of Man cannot invent a reason why the King and the Patrons of this pretended Prince of *Wales*, did

Fit Witnesses wanting.

did not provide such ample and unquestionable Testimonies, that he was born of the Queen, when they could not be ignorant that it was the voice of common Fame in *England* and foreign Countries, that her Majesty's Conception of a Child was merely fictitious, and that a supposititious Prince was designed. And seeing no Excuse or Pretence is published for the neglect or failure of such a Testimony of his Birth, we say (the Circumstances of the Case being considered) it's most unjust to expect or demand of your Highnesses, or of the People of *England*, or of Foreigners, a Belief and Acknowledgment that this pretended Prince of *Wales* was born of the Queen.

As our Common Law informs us who are fit and proper Witnesses, whose Testimonies ought to be received in this Case, and in the proof of all matters of Fact respectively ; so the same declares who are deem'd to be unfit, and disabled to be Witnesses in all the various and respective Questions of Fact ; it shews whose Testimonies ought not to be heard, and much less believed in divers sorts of Facts that come into question. If your Highnesses and the Kingdom be told of the presence of such persons to have been at the Birth of this pretended Prince, as ought not by our Laws to be accounted Witnesses, nor their Averments in the case to be heard by your Highnesses, or the Kingdom, and much less to be allowed to be of any Validity in the common course of our Courts of Judicature ; if parties concerned to prove a Fact do knowingly offer for Witnesses such as our Laws reject in the Facts in question, it turns to the prejudice of their other proof. We are therefore obliged to acquaint your Highnesses with the Actions, Qualities, Respects, and Circumstances that have disabled many by force of our common Law to be heard as Witnesses of the Birth of this pretended Prince of *Wales*.

Witnesses of the supposed Prince of Wales's Birth liable to Exemption. First, Our Laws utterly disable all those to be heard in the Case, that have received either Gifts of Money, or Honours, or any other Reward or Benefits whatsoever for their pretended Assistance about his Birth, or by reason or occasion of that pretence. 'Tis the common Practice of our Law, that when a Witness is produced, the adverse Party may examine him upon his Oath whether he hath had Money or other Reward

ward, or Gift, directly or indirectly, for or by reason of the Matter in question, or from the Party in whose behalf he is produced to testify, or from any of his Friends; if he cannot acquit himself thereof by his Oath, though it cannot be proved against him, our impartial Law deems such a person not only to be partial in the Case, but corrupted, and bribed, and unworthy to be heard.

Our Law will not admit those to be Witnesses for the Birth of this supposed Prince of *Wales*, that have any Promise, Expectation or Hopes of any Advancement, Office, Place, or Benefit by or under him, if he shall be received and allowed by the Kingdom to be Prince of *Wales*. They that cannot purge themselves by their Oaths from all such Promises, Expectations and Hopes, are not in the Judgment of our Law Persons indifferent and unconcerned in the Event of the Matter in question, nor fit to be heard as Witnesses, their Testimonies being partly for themselves, and their own Benefit; and the allowance of such Testimonies in Judicature would in consequence subvert all Civil Justice and Government. Our Law excludes all from being Witnesses to support the pretence of the supposed Prince of *Wales*, as have such dependance on the Patrons and Maintainers of him, that they are in danger of damage and loss by them of any kind, if they should displease them in their Testimony, Our Laws judge all such not to be free and of their own Right in the Case, but bound to serve and please the Patrons of the Cause; and therefore presume that they may be corrupted by fear of losing the Advantages they love, if they shall impartially declare the whole Truth, and nothing but the Truth of the Matter.

Our Laws seek to know the naked and entire Truth of all Facts that come into legal Question or Contest, and will not admit of any to be Witnesses of them, unless they appear to be free from fears of any Prejudice to themselves by speaking the Truth impartially. We are enforced by the Concern of all the Protestants, to speak more plainly than we would; we must say, that all that hold Offices of Profit and Honour during the King's Will, are by the Laws of *England* excluded out of the number of fit and competent Witnesses about the Birth of this Child, whom his Majesty hath

The Law in that Case.

proclaimed and maintains to be Prince of *Wales*. Our good Laws have regard to humane Infirmities, and will not put a Temptation upon Men to suffer them to be Witnesses in matters wherein they may damnify themselves in the loss of their Offices, if they happen to displease their Master in his concern in the case, by testifying clearly the whole Truth of it; they are not free in the Judgment of our Laws, to speak the Truth without fear, and for that reason are not to be received by the Kingdom as Witnesses in this Case.

Our Laws will never allow or suffer any to be Witnesses in this Case, who are known, or may be proved to have Enmity or Prejudice of any kind upon any account whatsoever to Her Royal Highness, against whom most immediately this supposed Prince contends; she having been most unquestionably the Heir apparent of the Crown, and justly so remaining until the Kingdom be satisfied by a sufficient Number of lawful Witnesses, that there is a Prince born, whereby her Claim to the next Succession shall be postponed. The Question of Fact to be decided by Witnesses is apparently between her Royal Highness and this supposed Prince; 'tis a legal, unanswerable and conclusive Exception against any to be received for Witnesses against her in his behalf, that they are declared Enemies to her, and the professed Protestant Religion, the destruction whereof they are bound in Conscience to endeavour; and for that reason are such known Enemies to her right of Succession to the Crown, that their Church have decreed and declared her Right, and the Right of all Protestants to any Authorities, to be absolutely forfeited to the Papists for Protestant Heresie.

*All Papists
against a
Protestant
Heir.*

It cannot be denied, that all that are sincerely *Roman* Catholicks, and believe their own Church, do judge her Royal Highness to be an excommunicated Heretick by their Church, and that all her Rights in possession and reversion are thereby confiscated; and that they are all obliged by the Law of their Church, in conscience of their Religion, and by the hope of Pardon of their sins, to defeat and destroy by all ways and means in their power, all her Pretensions to the Descent of the Crown upon her, and to assist to the investing the Right to the Succession in a *Roman* Catholick. We might here add, that our *English* Papists are all
in

in Union and Communion with the Pope, as appears by his Nuncio in *London*; and he is by the antient Laws and Statutes of this Realm declared the publick or common Enemy of the Kingdom near two hundred Years before *Henry* the Eighth.

'Tis manifest that the *English* Papists are declared Enemies to her Royal Highness's Right in this case between her and the pretended Prince of *Wales*, and therefore by the Laws of *England* they cannot be Witnesses of the Fact in question, neither ought their Testimonies therein to be offered the Kingdom to delude the People. *Enemies to their Royal Highnesses.*

The Civil Law so fully concurs with our Common Law in rejecting Enemies to be Witnesses in the cause of their Enemy, that it denies to give credit to what they may testify in the cause of their Enemy with their dying Breath after they have received the Eucharist; that is the general Conclusion of the Doctors of the Civil Law, *Inimicus etiamsi in articulo mortis constitutus, & accepisset Eucharistiam, repellitur a testimonio cause sui inimici.* We mention this chiefly to shew, that 'tis not only by our *English* Laws that our Papists are rejected from being Witnesses of the Birth of this pretended Prince against her Royal Highness, but by the antient approved Rules of the Civil Law which they generally acknowledg, and by the Judgment of their own Doctors.

Herein are only set forth to your Highnesses the Laws of *England*, that you may justly insist upon as your Right, to prevent the Church of *Rome's* Conspiracies against you: we reflect not on the credit or truth of any *Roman* Catholick Lords, or others, in giving their Testimonies in Matters of private Interest, wherein the cause of their Church is not in question, and the Laws of their Church bind them not to either party. But since they are bound in this case to be Enemies to her Royal Highness, our Law will not allow them to be believed to her Prejudice; and they must openly renounce that common Honesty to which they pretend, if they offer themselves to the Kingdom to be competent Witnesses against her in behalf of this pretended Prince, when they are conscious to themselves, that not only our Laws but natural Justice and Equity abhors such a Practice.

The Pretender an Impostor.

What proofs
the Law
requires in
the Case.

We must say with all due Reverence, and most humble Submission, that our Laws will not allow that the Declaration, or Testimony of his Majesty, or the Queen, should be accepted, and believed in this case as lawful proof, that this pretended Prince was born of the Queen; 'tis sufficient for us, that our Laws will not suffer our Kings to descend into the place of Witnesses, they will not admit them to testify their own Knowledge of the Facts in any case whatsoever, Criminal or Civil. But there is abundant reason also from natural Equity and civil Justice, that the Kingdom should not receive and rely upon the King's Affirmation about the Birth of this supposed Prince; their Majesties have publickly espoused his Cause for their own in all respects; and none on Earth, Kings or Subjects, may justly expect, or be suffered to supply the Place of witnesses in their own case, since Civil Government is established. If they might lawfully be their own proof for their cause, they might as justly be Judges of their own proofs, which in consequence would turn up the Foundations of Civil Government; one of its chiefest original Intentions being to introduce a Course of Justice, that none might be their own Judges.

We would not speak thus plainly, if it were justly avoidable; we cast no scandal hereby upon his Majesty, nor any way come near the crime of Detraction; we barely relate the Law of *England* in this case of his Majesty's affirmation of the Birth of this pretended Prince, that it hath not the force of legal proof, or of the Testimony of one legal Witness. And his Majesty is obliged in Justice and Honour by his Office and Oath not to impose upon his Subjects to believe, and rely upon his Affirmation or Word in this case (nor on the Queen's, that's necessarily included in his) he cannot desire the People diffusively to change their antient Customs and Laws, to substitute their King's Words or Assertions in the room of sworn legal Witnesses, to prove the Matters of the highest Moment about the Government.

What the
King's Af-
firmation
signifies in
the Case.

If the Kingdom should allow the Affirmation of their Kings to be sufficient to make a Lawful Prince of *Wales*, without such Witnesses of his Birth as our Law requires, they would consent to change the antient Constitution of the *English* Monarchy, and so destroy

destroy the established legal Security of their Freedom and Estates. The Laws of *England* in this case are not dissonant from the Laws of other Kingdoms, and the most absolute Empires; the Civil Law now received in most Christian Kingdoms, that was so adapted to absolute Government that it was one of its Principles, That *Principis verbum pro lege habendum est*, the Word of the Prince was to be taken for a Law; we say, that Law never ascribed absolute Credit to the Prince's Affirmations of Matters of Fact wherein the Subjects Rights were concerned. It passes for a Rule of that Law in such cases, *Princeps indistincte non creditur*; the Emperour is not to be believed intirely without Limitations and Restrictions, in his affirming Matters of Fact relating to his Subjects legal Interest and Securities.

The learned Doctors in that Law determine, that the Emperour's Affirmation, that a Subject hath committed Treason or Rebellion against him, ought not to be believed or taken for a proof; they say expressly, *Regi fides non adibetur, si attestatur talem fuisse proditorem*. Likewise if he pretends and declares a cause why he deprives any Subject, or Feudatory of his Interest, he is not to be believed; there must be proof, and the Parties intended to be prejudiced must be cited and heard in their defence.

They generally resolve, that when a King asserts or attests any thing to the prejudice of another, he is not to be therein believed, especially when his Affirmation is for his own advantage, and to the Subjects damage or inconvenience: These are their words, *Quando ex assertione Principis, ipse principaliter sentiret commodum & subditi incommodum, tum ipsi Principi non creditur*.

The Emperor *Henry* the 6th of *Germany* had a due Instance of sense of the Justice and Reason of the Law herein, about the Year 1200. He did not expect that the People should believe the Affirmations of himself, and his Empress *Constantia*, about the Birth of a Prince, when there was a rumour and suspicion that *Constantia* was past her age of Child-bearing, and feigned a Great Belly; he gave the People plentiful proof by Witnesses, more than Reason required; he prepared a most publick Place, wherein she remained expecting her time of Delivery, *Ventre custodito*, with publick watch-

Instance of
the Empe-
ror Hen. 6.

Watchers, or Keepers, that no Supposititious Child might possibly be convey'd to her; and there in the sight of the People of the City, and all the Matrons, that would and could possibly approach her (none being excluded) she brought forth a Prince, that was afterwards chosen Emperour, *Frederick the Second*.

If it were needful, we could shew your Highnesses that the Honour and Security of our Royal Family of *England*, with the peace and Safety of the Kingdom, were intended in the Constitution of our Legal Monarchy in such manner, that the Kings should not have Power at their Will to change the Succession, or by any means prevent the Descent of the Crown to the next in Blood. But if the Kingdom should believe his Majesty's Affirmation of this supposed Prince's Birth, without proof thereof, according to the Laws and Customs of *England*, the next Succession were really and actually thereby put out of the Legal Course, and referred to the Will of the King, which is in effect to make the Crown Patrimonial; whereas by the Laws and Customs of *England*, the Right to the Crown descends to the next of Blood, and the Successor is most properly to be stiled the Heir of the Kingdom, by force of the Kingdom's Laws, and cannot be defeated of the Succession by any Act of the Predecessor. If therefore the King should gain so vast a Power by imposing on the People to believe his Attestation of this supposed Prince's Birth, 'tis manifest that natural Justice, as well as the Law of *England*, makes it of no force or effect to the prejudice of her Royal Highness, in her esteem of being the Heiress apparent to the Crown.

*The Arts
of the Je-
suits.*

We believe the Jesuits, and other maintainers of this supposed Prince, will claim (as is their common practice) against these our Laws, whose force detects and defeats their Impostures; they will pretend that 'tis unreasonable to expect a Testimony of his Birth from such Witnesses, and in such manner as are herein described, exclusive of all *Roman* Catholicks. But the Reason and Wisdom of these Laws are irresistible, and it's a great Circumstance shewing their Guilt, that they are displeased with the Laws that prevent Falsehood and Impostures, and require proofs of Facts as clear as the Sun.

The Just and Innocent are never offended at any
Law

Iaw that provides for Truth and Righteousness. They cannot but be conscious to themselves, that it was more easie to have provided such Witnesses as our Laws require of a Prince's Birth, than to have had such as they provided, that would counterfeit to be Spectators, and be content (as 'tis now said they were) to see nothing of the Fact of which they were to be published to the Kingdom to have been the knowing Eye-witnesses.

'Tis notorious that the presence of Ten of the Protestant Nobility of either Sex, and other Persons of eminent Quality, might have been as easily procured as one of the Catholicks, if it had been intended to deal justly and fairly with the Kingdom; and they know that the Protestants throughout Europe (not the Papists) wanted and desired Satisfaction about the Queen's great Belly, and her Delivery: The Suspensions of a counterfeit Prince were strong amongst them, and decryed by all the Papists; they knew the Friends and those of Consanguinity with her Royal Highness were as ready to attend, if they had been called, as any Catholick whatsoever; and they were not ignorant that Custom, Law, and natural Justice required, that convenient notice should have been given to her Royal Highness above all others, of the expected Time of the Queen's Delivery, that such noble Matrons as she had thought necessary might have been sent to have continually attended near her Majesty, and to have been impartial Witnesses of the Birth beyond exception: they understood the custom of calling Embassadors to be present at the Queen's Delivery, and that a common Fame of a designed Imposture was spread in foreign Protestant Countries, and that there were Envoys and publick Ministers from some of them, especially that the *Dutch* had an Embassador there, and expected to have been called: they know that those Provisions for legal unquestionable proof of the Birth that was pretended, had been no hindrance of the presence or assistance of as many Papists of each Sex as her Majesty had desired, and she might have as intirely depended upon their only help, if it had been her pleasure, as if those lawful Witnesses had not been present.

Persons fit to be present at the Queen's being brought to bed.

The Popish Councils delude his Majesty, if they per-

perswade him that any Pleas of Inadvertency, Neglect or Ignorance can satisfy the Kingdom instead of the Proofs in the Case, that the Custom and Laws of *England* require. 'Tis a Rule of our Law that none shall make advantage of their own *lachesse*, that is, their Failures or Neglects of what they ought to have done; less evidence is never to be accepted in our Courts of Judicature, because the Party concerned was negligent in seeking it, or ignorant when he might have known his Duty.

What judg. We presume your Highnesses in reading this, may
ment is to be satisfied in the Truth of our first preliminary Con-
be made of clusion, which is necessary to be always remembred
the pretend. in order to a just Judgment to be made of this suppo-
P. of W. sed Prince of *Wales*, and of the things proper to be
 done by your Highnesses, by reason or occasion of his
 Pretences; we doubt not your Highnesses will clearly
 perceive what you may in Justice demand of his Ma-
 jesty in the Case, preserving nevertheless a most pious
 sense of filial Duty.

We may further remember your Highnesses, that
 as the Case now appears, no acknowledgment of that
 pretended Prince can justly be required of your High-
 nesses by his Majesty. It's contrary to Justice and
 our Laws, that her Royal Highness should depart
 from her Place and Claim of Heirefs apparent to the
 Crown, and resign it to a Child, who is not yet law-
 fully witnessed to have been born of the Queen. We
 therefore put your Highnesses in remembrance of a
 second Conclusion fit to be premised in this Case as an
 absolute Certainty to be insisted on; that is,

That neither the Laws of *England*, nor any natural
 or civil Justice do require of your Highness any kind
 of Testimonies or Proofs, that the Pretences of this
 supposed Prince of *Wales* are false and feigned, or that
 he was not born of the Queen.

How Legi- Whosoever claims to be the natural and legitimate
timacy is to Son of any Family, it's wholly and solely incumbent
be proved. on him to prove it by the Laws and Customs of all
 Civil Governments, and by the manifest Light of
 Nature; those two Rules of the Civil Law are adopt-
 ed by all Countries into their Courses of Judicature,
Qualem quis se facit pro fundamento intentionis suae,
talem se debet probare; and *Filius qui petit heredita-*

tem tanquam filius, debet probare filiationem. If Sonship, or other Quality or Relation be the ground of a Demand, that Foundation must be always proved by the Demandant; if he that pretends to be Heir by his Birth to any Inheritance, fails of such sufficient Witnesses as the respective Laws of Countries require to prove his Proximity of Blood, there needs no Testimony on the part of those that deny his Lineal Descent. The Course of the Law of *England* is known to most *Englishmen* in the Trial of all Claims by Birth; the Claimant is always put to prove all that he sets forth of his Descent in his Declaration, and the least defect of proof is fatal to his Process: if the Defendant perceives the Plaintiff to want sufficient legal Testimony of his Descent and Birth, he never troubles the Court with Proofs on his behalf; 'tis enough for him that denies the Descent pretended, to shew the insufficiency of the Witnesses and their Testimony produced to prove it.

Your Highness is not obliged, either by our Laws or natural Justice, to have Witnesses to prove the pretended Prince of *Wales* to be an Impostor, her Royal Highness having been the legally acknowledged Heiress apparent of the Crown. Unless such lawful Witnesses that he was born of the Queen, were known and published, as did satisfy the Kingdom, neither your Highness nor any Princes or States may in Justice acknowledge his Pretences; her Royal Highness ought to remain in the esteem of the Kingdom, and of all Princes and States, as the Heiress apparent of the Crown, at least until a Prince shall be legally known and declared. And 'tis a manifest wrong to your Highnesses, to the Kingdom, and to all the Protestant Interest, to suffer this supposed Prince silently and submissively without publick complaint of the wrong, to assume the Name of Prince and Heir apparent to the Crown.

When the Popish League endeavoured to set aside the Claim of your Highness's Ancestor *Henry IV.* to the Crown of *France*, and proclaimed the Cardinal of *Bourbon* to be King, he sent Agents to the Pope (tho' he was then a Protestant) and to all the Princes and States of Christendom, to manifest himself to be the right lawful Heir of that Crown; and the *Venetian* State (to his vast Advantage) contested it with the Pope's Nuncio, that they ought so to acknowledge him, because it appeared that he was the right Heir.

His Right indeed was to be King in possession; but there is the like Reason and Justice to support her Royal Highness's Title to the Crown in Reversion, since another is set up, and declared throughout the World to be the right Heir of it, immediately after his now Majesty. 'Tis undoubtedly just and reasonable for her to demand and expect,

that the Pretender's Birth (so much and so justly suspected) should be made manifest to the Kingdom by Witnesses without exception, according to the Law and Custom of England, and to natural Equity.

*What the
Pr. of O.
is to do in
the Case.*

It may be of dangerous Consequence, to suffer a false Opinion of him in the Kingdom, and the World to gain strength by time, and neglect: yet neither Law nor Equity puts any burden of proof in the Case upon your Highnesses: 'Tis only incumbent upon your Highnesses, to declare the wrong to your selves and the Kingdom by the pretended Prince, and to take care that no illegal, imperfect or fallacious Testimony in the Case be invented or obtruded upon your selves and the Kingdom to support his pretences. Her Royal Highness's Claim and Right to be the next in Reversion after his now Majesty in the legal Descent of the Crown, ought to stand unshaken, and unquestionable in the Judgment of our Law and the Kingdom, notwithstanding any thing to the contrary that hath been hitherto lawfully published or declared.

We cannot doubt but 'tis here made manifest, that your Highnesses publick refusal to acknowledge this pretended Prince of *Wales* may be built upon such sure Foundations of Law and Justice as can never be overturned: we would not therefore trouble your Highnesses with all the Circumstances of the Case which we have remarked in our Observations, that make it to us not only improbable, but incredible, that he was born of the Queen; since 'tis not possible for us to send Witnesses personally to prove to your Highnesses every Circumstance that we have noted, and 'tis not just that your Highnesses should take them up upon unknown Authority; since we cannot in prudence subscribe our Names to this Memorial, nor so much as the Names of our Witnesses to the Facts; since the proof of the Circumstances can never be a Foundation of positive unquestionable certainty, but can only serve to make the Falshood and Jesuitical contrivance in this Imposture more infamous and odious: since 'tis undoubtedly your Highnesses Interest never to depart from the manifest Principles of Law and Justice, which put it wholly and intirely upon the Maintainers of the supposed Prince to prove him to be such as they pretend, with the highest human Certainty that can be acquired by Witnesses, and to the Kingdoms full Satisfaction.

And since 'tis notoriously known that above all others of the *Roman* Church, the Jesuits (who in this Matter will most earnestly contend against your Highnesses) have the greatest effronted Confidence to deny and forswear Matters of Fact, however certainly proved and known; and they would be glad to have any thing offered in this Case that
might

might give them room, or a possibility for dispute and seeming doubtfulness of Fact, that they might obscure the Truth, and deceive some of the people with their equivocal Affirmations and impertinent Cavils at your Highnesses Witnesses or their Testimonies, and their bold Asseverations of Falsehoods.

Upon all these Considerations we shall refrain from the Relation of many very pregnant Circumstances that we had collected; which if they were taken jointly in their natural Order and due Connexion, would by their uniting Force strongly induce impartial Judges to conclude, that the Queen could not be the Mother of the supposed Prince.

We could give very great circumstantial Assurances to your Highnesses, that there never were or appeared to be any reasonable natural grounds for a belief that her Majesty had conceived a Child. She never had the first most natural, known, and common sign of Conception; her *menstruum*, or *Terms*, continued their usual uncertain Course as formerly, during the whole time of her pretended great Belly: She did not conceal that it was with her after the manner of Women in her Journey to *Bath*; nor that they continued some days after the King left her there; and all the industry used afterward to hide them in their Seasons, proved ineffectual, because those things came to the knowledge of more than were made privy to the whole Imposture designed.

Circumstantial Evidences against the birth of the Pr. of W.

Her Majesty having not that natural Sign of her Terms stopping, whereby Women usually conclude themselves to have conceived, from whence she could make a Reckoning; it seems by the King's Speech in Council, that their Majesties had both thought fit to publish her Conception to have been at the time of the Present made to the Lady's Image at *Loretto*, upon the King's return to the Queen at *Bath*.

It was then too soon for them to be provided of a supposititious Child, and so they might name any time they pleased of her Conception, and then seek for a Child that might agree with it; and it appeared pious and great to make her Conception one of the Miracles of the Lady's Image, tho it happened unluckily afterward, that they could not make the Times of her Conception and supposed Delivery to agree with Nature's most constant Time of nine Months.

The Confidants and Advisers about the Imposture hearing the Voice of common Fame upon the King's declaring when the supposed new born Child was shewn, that he had now a Son a strong and lively Prince, the meanest Childbearing Women that were disinterested, saying thereupon in mock-

ery, that such a Child of about eight Months, was as great a Miracle as the Queen's Conception hath been reported: We say, the Confidants fearing it might make the whole Story less credible, and help to detect the Fraud, they have persuaded her Majesty to declare, that she had miscounted the Time of her conceiving the Child, and that she knew very well that she was with Child before her use of the *Bath*. By this new Reckoning they thought it might be affirmed, that the Child was born at his due Time, and might be strong and lively, as his Majesty had said; and they thought it an easy Sham to say, Women misreckon'd very often.

But it was unhappily forgotten that her Majesty had continued and expressly affirmed her first Reckoning several Weeks after her pretended Delivery; it was forgotten that it was known sufficiently that her Majesty had her Terms ~~in~~ her Journey to *Bath*, and four Days after the King's going from thence, which was a manifest Proof that there was then no Conception: It was not considered, that if it be Truth that the Queen knew her self to have the conceived, as she hath lately declared, then it cannot be a Misreckoning; and the meanest Physician she had at *Bath* would have told her, that if she had imagined a Conception as she now says, Bathing would probably destroy the Embrio.

It was not well remembred how the King had declared with her Majesty's Privy the Miracle of the Time of her Conceiving quite inconsistent with her new Account; neither was it thought of in the new Council, how her Majesty's Truth and Honour should be saved in her contrary Stories, of the Time of her Conceiving, even since her supposed Delivery; but we need not mention that, since the World knows how little regard the Jesuit Confessors have to Truth.

Reasons to doubt of the Queen's Pregnancy. Her Majesty shewed no Grounds to believe her Pregnancy by Nature's Progress therein. The common natural Signs, that in four Months follow in every Woman that hath a Child in her Womb, were wholly wanting in her Majesty, there was no Swelling or Increase of the usual Proportion of her Breasts, nor was there any Milk ever seen to be in them (tho' one Lady took the Confidence once to affirm it) the Proportion of them was visibly the same to the Eyes of all that can be lawfully Witnesses, and were usually in her Presence; and none of those Ladies proper to be Witnesses, could ever obtain the Satisfaction to see a drop of Milk from her Breasts, tho' it had been her Majesty's Honour, Interest, and Pleasure, to have shewed it if there had been any reality in the Pretence of her Pregnancy.

We put this Circumstance into our Memorial, not without some Mirth in our meeting, because one of our Company said, he was now sure that neither her Majesty's Physicians nor the Jesuits were natural Philosophers; they might (said he) with very little Art have caused the Queen's Breasts at her Age to have swelled with Milk so plentifully, that she might have easily milked it forth in quantity in the sight of the Princess of *Denmark*, and all the Protestant Ladies of the Court: It may be done (said he) in rational or animal Creatures; and he gave us Instances of undoubted credit, wherein it had been done to his Knowledge, and a Child suckled: and to divert us, he offered to shew it in an Animal, he having also tried that Experiment, and thereby milked out the Milk from a young Creature's Udder that had never been with young. Another of the Company said merrily, if that were so easy an Artifice, he wondred that the *Romish* Priests had not learned it, since it's known to the World that they have long had the Art of keeping the *Virgin Mary's* Milk above 1600 Years, and of multiplying the Quantity of it from Horse-loads to Cart-loads, to disperse among their credulous Vulgar.

We humbly pray your Highnesses Pardon, that we seem herein less serious than so great a Matter requires; we speak only the Words of Truth and Soberness, but the comical Tricks of the *Romish* Priests (that commonly end in Tragedy) force us to represent them as they deserve.

There's another known Sign and Testimony of a Woman's Pregnancy, that is, the sensible stirring of the Child in the Womb, that was expected her Majesty should have shewn to the Ladies with Joy, especially to those Protestant Ladies of her Bed-chamber, that doubted (with the Protestant Doctor, her then Physician) her being with Child, as far as they durst; when the quickning of a Child in her Womb was pretended, and published throughout the Kingdom, it had been a Pleasure to her Majesty, and no Trouble (if it had been real without Deceit) to have shown the Motion of a Child in her Womb to honourable Matrons of her Bed-chamber, that might have been in all respects lawful Witnesses of that Truth, to the justly jealous Kingdom; these might have touched her Belly, and had been proper Judges from their Experience, of the true Motions of an Infant in the Womb; and some of Consanguinity to the Heiress apparent might have been admitted to that Favour, as our Laws and common Prudence directed, for removing the Causes of Jealousy; but however industriously her Majesty's Quickning with Child was spread abroad, yet the feeling of its Motions was never vouchsafed to any competent Witnesses of it, to give the suspicious Kingdom a Ground to believe that she was with Child.

*Manifest
Signs
wanting*

The next visible and manifest Sign of a true natural progress of a great Belly, is the Distention of all the Parts of the Body, that incircle and encompass the Womb. Such is the Place and Manner wherein Nature hath prepared the Lodging of the growing Child in the Womb, that according to its Growth and Increase, and the Quantity of Liquors that are there naturally and necessarily congested, so are all the circumambient Parts gradually extended and enlarged to make room; there never was, nor naturally can be an Extension only of the *Peritoneum*, the Rim of the Belly, to give room to the Child; all Naturalists and Anatomists know, that in that Manner no Child could keep its natural Situation in the Womb, nor be born alive.

All Men and Women that ever observed Women great with Child, know that all the Parts that inclose the Cavity, swell until the time of their Delivery approach. But this natural necessary Sign of Pregnancy so intirely failed in her Majesty, that skilful Spectators of both Sexes wondered, that better Arts were not used to make that visible Sign and Appearance of the Growth of a Child in her Womb. We were satisfied by skilful Matrons of great Experience, that attended on purpose to observe her Majesty exactly, that all the outward Parts of her Body, that encompass the Womb, were of the same Proportion that they were at other times, save only her Belly, which was exceedingly copped up, and high, that shewed like a Great Bellied Woman to them that looked upon her Majesty before; but, said they, when we saw her Majesty walking, and looking upon her behind, and on each side, we saw not the least Appearance in her of a Great Bellied Woman. We took care to have the Fashion of her Majesty's Body observed by skilful Women at several Periods of Time during her supposed Pregnancy, and once a very short time before her pretended Delivery; and we had always the same Account we have here faithfully given your Highnesses.

We compared this Circumstance with another that we had marked, whereof we had from time to time full Assurance during all the four last Months of her Majesty's supposed being with Child; those being the Months wherein usually all the circumambient Parts of the Womb swell most, we were very well informed that in all these Months her Majesty, contrary to her former usual Course, always withdrew from her Chamber, and retired into her Cabinet, or some other private Room, with two or three *Italians* when she changed her Linnen, and would never permit any one of the Protestant Ladies of the Bed-chamber to see her change her Linnen, as they had constantly done.

These two Circumstances explain'd each other, and plainly shewed that the natural, naked, and true Shape of her Majesty's

Majesty's Body, as it was then, was not to be seen by those that were not of the Confederacy in the intended Imposture ; those that were only capable of being lawful Witnesses for her Majesty against common Fame (if Fame had belied her) were all excluded from a Possibility of seeing whether her Belly was truly and naturally great, and a few Foreigners of no Quality were only to keep the Secret of what her Majesty was to make the copping Belly.

Nothing can be more manifest than it is by all these Circumstances taken as they ought in Connexion each with other, that there hath nothing appeared of the natural Plainness and Simplicity that always accompany Truth in the whole Demeanor of her Majesty from the time of her pretended conceiving a Child to the very time of her feigned Delivery of this supposed Prince of *Wales* ; all that hath been acted in the matter, hath plainly imported Trick and Design to hide and smother Nature's Works, that ought to have been most freely exposed to the whole World, if there had been any Truth in the Pretences that could have born the Light. We may securely affirm to your Highnesses, that in all the eight Months and four Days first reckoned to have been the Time of her Majesty's Pregnancy, or from the Time of Her going to *Bath* in the new Reckoning, there never have been any of these constant natural Signs in her Majesty that could afford to any understanding Men or Women a Ground to believe that she conceived a Child.

No Appearance of Conception. Pregnancy, or Delivery.

The Progress towards finishing the intended Imposture of this Prince of *Wales* hath been answerable to its Beginning. In the Preparation for her Majesty's supposed Delivery, there hath been no regard to the Rules of natural Equity or Law, or common Prudence ; nor any appearance of that open freedom and naturally plain proceeding that ought to have shewn that they did not fear the Kingdom's or the World's knowing the Truth of all that should be done in that pretended natural Work of bearing a Child, wherein the whole Kingdom and so much of the World was concern'd. If the Customs and Laws of *England*, or natural Equity had been consulted in the Circumstances of the Case about the Preparations needful for her Majesty's expected Deliverance of a Prince, the first of all Advices had certainly been, to give early notice to your Highness, and to others in the nearest possibility or expectation of succeeding to the Crown, of the time of her expected Travail and Deliverance of a Prince, and of the Place of her Residence at such a time ; that proper noble Matrons and others might have prepared themselves, and attended there, and have been present in their Behalf, which might have suppressed and silenced for ever by their Testimonies, all Suspicions of Fraud or Imposture.

But

Her Royal
Highness
had no no-
tice of it.

But 'tis not only undeniable, that no such notice was given, either to her Royal Highness or to any of Consanguinity with her, nor to any other of the Noble Matrons of England; but such Artifices were used as might most conceal the Time and intended Place of her pretended Travail, such feigned Time of her supposed Conception was publish'd by the King and Queen, that neither her Royal Highness, nor any of the Nobility, could possibly foresee the Time when the Comedy that is now said to have been acted, was to begin.

The Place where her Majesty was intended to lie in was kept in such uncertainty, and often published so variously, sometimes that it should be at *Richmond*, sometimes at *Windsor*, another time at *Hampton-Court*; that none of the Nobles of either Sex, that were of the Kindred and Friends of the Heir apparent, nor of the Protestant Nobility, could know how to prepare themselves for Attendance on her Majesty, as was their Duty to their Majesties, her Royal Highness, and the Kingdom.

As the Publication of the Place was often changed, as if a Surprise in the Place was designed, so at last such a sudden and seeming hasty Resolution was taken a Day or two before her pretended Delivery, that her Lying-in should be at *St. James's*, tho' none expected the Time to be near by above three Weeks; that Commands were given for preparing her Lodgings there so hastily, that when her Majesty said on the *Friday*, she would lie there on *Saturday*, and it was told her, it was not possible her Lodgings should be ready; She then said, she would lie there on the Floor.

It was hoped by all the Protestants that the Princess of *Denmark* would have been a faithful Watcher for her own sake, when the time of her Majesty's Deliverance of her great Belly should come; tho' she had not been able, or she durst not give them advice of the Occurrences in the time of her Majesty's supposed Pregnancy, it was thought that it could not be avoided but she would be present to see what was brought forth, whether any thing or nothing. But care was taken, that Advice should be given her when she wanted Astringent Medicines, to go to the loosening Waters of the *Bath*, to keep her fourscore Miles distant till the pretended Prince should be born.

Circum-
stances to
render it
suspected.

At the first Notice we had of her Majesty's passionate Declaration, that she would lie at *St. James's* on the *Saturday* Night, we could not conjecture that there was to be a pretended Prince brought forth on the *Sunday*; nor was there any Whispers of it, or the least natural, feigned or counterfeit Sign of fore-running Pains of a Woman, whose Time of Travail approacheth. Her Majesty was late in the Night at Cards, and no Appearance of an Indisposition then, nor

is any pretended to have been in the Night ; but we learned by the Event on the *Sunday* the reason of her Majesty's fixed and immoveable Resolution to lie at *St. James's* on the *Saturday* Night, she was it seems to bring forth a Prince on the *Sunday*.

There was a cunning Contrivance to chuse a fit time of that day ; it was to be between the Hours of Nine and Ten in the Morning, that all or most of the Protestant Ladies might be at Church, and the Trick be over before their Return ; and that the Midwife *Mrs. Labady*, and the Favourite *Mrs. Tourain*, might have Freedom and Secrecy, as they had, to act their Parts in the bringing forth of a supposititious Prince. Time.

The Room also that was chosen, wherein the Trick was to be acted, was fit for the Purpose, and contrary to the Rules of common Prudence in a Case suspected for setting up a supposititious Child, and ought to have been avoided, if their meaning had been just and good ; there was a private Door within the Rail of a Bed into a Room, from whence a Child might be secretly brought and put into the Bed, unseen by any that should attend in the Queen's Room, tho' at the Feet of the Bed, (none of them coming into the Rail) and by that Door the three Confidants, the Midwife, *Mrs. Labady*, and *Mrs. Tourain*, brought into her Majesty's Bed what they pleased unseen. The Place.

If they had wanted no secret Conveyance by that Door, common Prudence required that they had nailed or sealed it up to avoid confirming and increasing the Kingdoms just and known Jealousies, of imposing upon them a counterfeit Prince, when it should be known, that there were such secret Ways as made it so easie to be done by Confederation, undiscerned by others that were in the Room ; but it appeared by the Event that the Privy Door was so necessary for the designed Imposture, that all the Transactions of it were managed by that Door, as is well known to all those Lords of the Council that were brought for a Shew, not to see any thing that was done, but only to be seen in the Bed-Chamber with his Majesty, that their Names might be published to the People, as if they had been Witnesses of the Queen's being delivered of this pretended Prince.

The Civil Law provided, as a Rule of common natural Equity, when a Woman was to be delivered of a Posthume Child, that might defeat another appearing Heir, that the Chamber wherein she was to be delivered should have but one Door ; and if there were more, that they should be sealed up with the Seals of both Parties, and that Keepers should be set at the single Door, and no Woman suffered to enter till she was searched in all kinds, that no Child might be conveyed to the Woman in her real supposed Travail. And tho' we have no express Statute that gives Direction in such Cases, yet our Common Law abhors all Appearance of Fraud about Inheritances, and hath appointed Twelve of the most able Neighbours to judge of all the Signs and Appearances of Fraud, and setting up counterfeit Heirs, who may also judge upon presumptive Evidence, and reject any pretended Heir, where they see Signs of Fraud. Provision the Law makes in such Cases.

and Imposture whereupon to ground their Judgment; and every one must at his peril take care that there be grounds of suspicion given of a supposititious Heir.

We have faithfully shewed your Highnesses what were the Preparations for her Majesties supposed Time of Travail, wherein there appeared no Marks of an Intention to deal uprightly and openly with her Royal Highness as Heiress apparent of the Crown, and with the Subjects of the Kingdom; nor were there any natural Signs that her Majesty feared the common Sorrows, Pains, and Danger of a Woman in Travail, or made any suitable Provisions.

We cannot learn, that there were in readines so much as the usual Instruments of Midwives, whereupon they commonly place all Women of Quality in their Time of their Travail; that such Assistance may be given them by the Matrons and Midwives, as is not possible to be given on their Knees, which is the common Posture of meaner Women; and least of all as they lie in their Bed, which is seldom used until the Length of the Travail, and Failures of Strength enforce it: There being many natural Reasons for the Posture of the Womens Bodies helping them in their Travail.

*Physicians
to be near.*

Amongst other suitable Provisions, it had been certainly fit that a College of Physicians had been called to attend somewhere near to her Majesty, if she had not known there could be no need of them, and had not been sure there could be no hour of danger to her self in a feigned Travail, nor any sudden need of Physicians Advice or Help to a strong lively supposed Prince, that was intended then to be brought forth.

As all the Preparations for her Majesties supposed Time of Travail, discovered to knowing and observing People that there was no reality in her pretences made of a great Belly; so the Fiction and Fraud was made more manifest when the Trick came to be acted.

*Other Cir-
cumstances
of the
doubtful-
ness of the
Delivery.*

Her Majesty lying in Bed with all the Curtains round close drawn, all that was provided belonging naturally to a Child, and intended to be used by them, in their bringing forth a supposititious Prince, being prepared and ready within the inner Chamber, then her Majesty's feigned Travail began; and all these things were, by the Help of the Midwife, Mrs. Labady, and Mrs. Tourain the Confederates, brought through the Door in the Wall by the Queen's Bed, and put between her Sheets; that is, a Child and all that naturally attends a Birth. Then the Midwife and the Confidents seemed very busie about her Majesty in the dark; none seeing what they did, and being afraid, as appeared by the Midwife's Words, that the Child, which was prepared to sleep, to prevent its crying before it was got into the Bed, should be stifled by the Closeness of the Bed, they were forced to hasten the Queen's pretended Delivery even beyond what was reasonably to be believed, notwithstanding all that could be said of the Lady of Loretto, or any other Saints Assistance; therefore the Queen's supposed Deliverance was in very short time.

But

But nothing appeared in her Majesty like the real natural Travail of a Woman in Child-bearing; there were none of the usual natural Signs in her Majesty of being in real Travail, which cannot be hidden; there was no Appearance of an approaching Travail by various intermitting Pangs, usually very great by the Infants struggling to free it self of the Womb; no Shew of the Pains naturally and gradually increasing as more of the Ligatures came to be broken or rent, whereby every Infant is safely retained in the Womb, until its full growth and appointed time; there were no Signs of her Majesty's known Weakness in bearing such Pangs in her State of Body, debilitated with long lingring Infirmities; there were no Signs of a violent Eruption of an untimely Birth from the Womb of eight Months and four Days, as her Majesty then reported it to have been.

All that was to be feigned was suddenly dispatched, and the Midwife delivered something close covered to Mrs. Labady, which could be nothing but the Child they had put in; and went with it together thro' the privy Door in the Rail of the Bed into the next Room in so great haste, that it was not considered how plainly it might discover that it was a mere feigned counterfeit Travail of the Queen, if the Midwife durst quit her attending and assisting her Majesty in those Moments, when there was the greatest Necessity of her Skill and Assistance in her Office, and the most extreme Danger of her Majesty's Life by any Neglect of her, if she had really brought forth any Child, as they were obliged to pretend.

Persons attending and assisting.

Instead of fair open freedom in shewing that the Queen was really delivered of a Prince, which our Customs, and Laws, and natural Equity required, that all the Works of Nature might have been seen and testified by noble Matrons; their pretended Birth of a Prince, and all that they did about it, was done in the dark, with the Curtains close drawn round about the Bed, and under the Coverings of it; and none of either Sex permitted to see any thing done about her Majesty, or her supposed Child, save only the Confederates; no others of those in the Bed-Chamber, that drew as near as they might, were suffered to see what was taken out of the Bed, being something wholly covered, and immediately carried away by the private Door.

All hearkened after the common and most constant natural Sign of the Birth of a living Child, that is, its crying: but we are fully assured from divers Lords of the Council, and others that were in the Bed-Chamber, that the crying of a Child was heard by none there, when the pretence was that a Child was born; tho the Midwife would not at first say it was a Prince.

No crying of the Child.

We have related to your Highnesses no Circumstances but such as are notoriously know, or could be judicially proved before any impartial Court of Judicature; and therefore we will not offer to your Highnesses those Conjectures (tho we have them from good hands) of what was acted about the pretended Prince in the Room from whence he was brought, and to

which he was carried, before the Lords of the Council, or any others were told that there was a Prince born: but we have it of certainty from those that were present, that during the whole fictitious Travel of the Queen, and a considerable time after it, his Majesty kept those Lords of the Council that were called, not far from the feet of her Majesties Bed, that were close shut up; they neither saw nor heard any thing about the Birth of the supposed Prince, whereof they can be lawful Witnesses to the Kingdom: yet the Actors of this whole Imposture had the Confidence to publish forthwith to the Kingdom by Authority, that those Lords and many Ladies of Quality were present at the Queen's Delivery of a Prince, equivocating therein like the Jesuits, and falsely insinuating to the People, that those Lords, and many Matrons of the Nobility had been such ocular Witnesses as our Laws require of the Queen's being delivered of a Prince; whereas in truth all that were not of the Confederacy waited to no more purpose than if they had been ten Miles off her Bed-Chamber.

Circumstances that followed the Queen's suppos'd delivery.

After long waiting, his Majesty left them, and retired into the inner Room, where were Mrs. Labady and the Confidants with the supposed Prince; and it was soon after said to the Lords, that a Prince being born, there was no more need of them; whereupon several of them went away, and whatsoever was done in shewing a Child to those that staid, was not worthy of our Inquiry, since it could be of no use to your Highnesses or the Kingdom,

Yet we carefully observed and inquired after the Queen's supposed Deliverance of a Prince, whether there were any natural demonstrable Signs in her Majesty that she had newly born a Child, that had broke its way by Violence into the World before Nature's time, as she then affirmed. Some of us know well the usual and necessary Consequences of such Force upon Nature in Women of such Tendernefs and Weaknefs as her Majesty; we expected to have heard of her great Weaknefs, and danger of her Life by a Fever that commonly attends such untimely Births; we inquired after the Danger of her Majesty's Breasts by the usual redundancy of Milk, because one had reported so long before, that she had plenty of it in her Breasts; we imployed proper Persons to ask what Woman had the Honour to draw her Breasts or whether any Applications were made to her Breasts to repel or dry the Milk; and also to ask after the good Progress of her Majesty in the natural Cleansings that follow Child-bearing, and of her strength in bearing these unavoidable Consequences, whereby all Women of her Majesty's Tendernefs and Weaknefs are greatly debilitated: but we could never learn by our most diligent Inquiry that there was any appearance of these natural Effects of Child-bearing; tho a good Doctor's Skill might have easily feigned all those to the Delusion of all about her Majesty's Court.

We have now given your Highnesses an Abstract of many of the Circumstances which we had collected in this Affair, and must freely affirm, that we cannot observe from the beginning to the end of it one footstep of sincere plainness; all that hath been done therein from the Queen's pretended Conception to her supposed Delivery of a Prince, hath shewed desires and intentions to hide the truth of those natural things which they were obliged by the Laws of *England*, by natural Justice, and by their own Honour and Interest to have made demonstrable or proveable by sufficient Witnesses to all the Kingdom, if there had been truth in their pretences.

There hath been such a total neglect, slighting and disregard of all the necessary Rules of Law and Justice about needful Witnesses of the Birth of a Prince and Heir to the Crown (when they knew that most of the Kingdom suspected their setting up a Counterfeit) that it looks like a Contempt of your Highnesses and the whole Kingdom; as if no Satisfaction was due to her Royal Highness in her admission of an Heir to the Crown before her, nor to the Kingdom in their acknowledgment of a Prince to be the next Successor to the Crown.

Rules of Law and Justice neglected.

The most modest Judgment we can make of it, is to think that a blind Zeal (always nourish'd by the *Romish Church*) to settle a Popish Successor, hath made them break through all the Rules of Righteousness, and stifle and extinguish all the natural Affections of a Father to a Child, to do a Service to their Church, which is by their Doctrine so meritorious.

Your Highnesses will the better consider all these Circumstances mentioned, if you will please to call to mind the Occasion and Time when this Design was first resolved on to set up a Prince to bar her Royal Highness of the immediate Succession to the Crown.

Be pleased to remember, that 'tis before observed, that the going to the *Bath*, and the visit to *St. Winifred's Well*, and the Present made to the Lady, were preparations for a Report of the Queen's being with Child, and were all concluded upon about the end of *August* and beginning of *September 1687*; and then was your Highnesses Compliance with the Popish Design despaired of.

Preparations for the belief of a Prince of Wales.

The abstract of *Mr. Steward's Letters to Mijn Heer Fagel*, which we just now find printed, confirms all our Memorials in that Matter. He was pardoned and chosen by the King to have persuaded your Highnesses to a consent, that the Penal Laws and Test should be repeal'd, which had been a full establishment of Popery. In his two first Letters of *July*, he seeks to persuade your Highness that the King was resolved to preserve, and observe the true Right of Succession to the Crown, and was very desirous of your Highnesses Consent and Concurrence in his Design, and troubled to find them so averse from it. In his next Letters of the same *July* he pressed, that your Highnesses should have been disposed to hearken to a well-cho-

Endeavours to persuade the Pr. and Princess of Orange to repeal the Penal Laws.

sen

sen Informer to be sent by his Majesty to persuade your Concurrence with him ; and he presseth extremely for a hasty Answer : the new Councils for setting up a supposititious Prince seem then to have begun.

That Letter seems to threaten what we now see, if your Highnesses refused ; he doubled his Assurance to him that was to solicit your Highnesses, that if you were obstinate (as they call it) it will be fatal to the Dissenters, and he feared productive of Ills yet unheard of. And his Letter of *August 5.* seems to give your Highnesses your last time to chuse the Settlement of Popery, or to resolve to be true to the Protestant Religion.

He says, If your Highness did what was desired by the King, it was the best Service to the Protestants, the highest Obligation on his Majesty, and the greatest Advancement of your own Interest, that you could think on ; but if not, then all is contrary. There can be no other Meaning in saying, if your Highnesses refused all is contrary, save only this, that the Protestants should then have no Mercy from the Papists, his Majesty would be so offended that he would become your Highnesses Enemy ; and it would be the loss of your Highnesses greatest Interest that you can think on, which certainly could be no other than the just Expectancy of the three Kingdoms.

As these Letters threaten that the King would destroy your Highnesses greatest Interest if you refused- so the attempt of it food after appeared.

Mons. Fagel and Mr. Steward's Letters about the Test.

It's now known, that in *September* and *October* the Resolutions were taken to publish that the Queen was with Child ; but before it was publicly declared, that is, *October 8.* Mr. *Steward* says, he would use no more Arguments to your Highnesses ; but he then laments your Highnesses loss of the time of compliance : Alas, said he, that Providence should not be understood. Then in *November* he speaks more plainly (notwithstanding your Highnesses Moderation towards the Papists, and their Liberty was shewn by *Mijn Heer Fagel's* Letter) he says, That all hope of your Highnesses concurrence in the King's Design was quite given over, and Men were become, as cold in it here, as your Highnesses were positive there : And upon his new Conference with the King, he not only shews the King's dislike of that Letter, but says expressly, That your Highnesses Answer was too long delay'd, and that the King was quite over that matter. There can be no other reasonable Construction of this, than that the King had then resolved of another way to prosecute the Popish Design, and time hath now shewn and proved to the World that the way resolved on was to set up this supposititious Prince for a Popish Successor.

These Letters, by the help of time, shew the Design when it was in *Embryo*, and help to make a Judgment upon all the other Circumstances that we have mentioned ; and no doubt if an Evidence made up of all the Circumstances we have mentioned, in their Order and Connexion, were given to any impartial Judges, it would be judged as strong a presumptive Evidence

Evidence as ever was given: and in the Proceedings of our Laws against Criminals, Judgment hath passed against the Lives of many upon far less Evidence; this being as full as the nature of the thing can possibly suffer in your Highnesses and the Kingdom's Case.

But notwithstanding this sort of circumstantial Evidence be sufficiently forcible and convincing to disinterested Persons, to prove this supposed Prince to be an Impostor, and it may be more Circumstances of the same Nature are known to your Highness, yet we most humbly pray your Highness to wave insisting upon any of them as entirely, as if you could neither prove nor know more about this pretended Prince than common Fame hath proclaimed, without Contradiction.

It no ways belongs to your Highnesses, nor to the Kingdom, to prove the Falshood of his Pretences, or any Circumstance about his Birth; and it would be very prejudicial for your Highnesses to take upon you the burden of producing Witnesses and Proofs, and admitting your Highnesses Adversaries to dispute their Force and Sufficiency, when it belongs to them wholly and only to bring forth such lawful Witnesses in due numbers, as may satisfy your Highnesses and the Kingdom of the Truth their Pretences; and 'tis an infinite Wrong to your Highnesses and the Kingdom, that they have not done it long since, if there had been a true Prince born of the Queen.

Since 'tis the Kingdom's great concern as well as your Highnesses, we are the bolder to propose, that the Method of Defence against the publick Injury be made according to the known Laws and Customs of *England*; that is, that an open free Demand be made in the name of her Royal Highness, as Heiress apparent of the Crown, and in behalf of all the People of the Realm, that there be forthwith declared and published to the Kingdom a sufficient Number for this Case, of lawful Witnesses of either Sex, such as the Laws of *England* and natural Justice require in the Case, who do testify, that according to the usual practice of their respective Sexes at the Birth of Princes, Heirs to Crowns, they were Eye-Witnesses that the Child now called the Prince of *Wales* was naturally born of the Queen's Body.

What is fitting for their Royal Highnesses to do in the Case.

'Tis but just, regular and modest for your Highnesses to make that Demand; and your insisting upon it to be done immediately, without the least delay, is no more than the Right of your Highnesses and the Kingdom, as must be confessed by all that either know the Rules of natural Justice, or the Laws of *England*. Our Laws require and demand an entry to be made upon all Intruders into the Rights or Inheritances of another; there ought to be legal Interruptions made of all wrongful Possessions however obtained. A long Permission of an illegitimate Child to pass for a legitimate Heir, is of dangerous consequence to the true Heir of an Inheritance; 'tis a known Rule both in our *English* Laws, and the Civil Laws, *Tacens longo tempore præsuntur consentire*; he that remains long without an-

swering

swering any thing to an Intruder's Claim, seems to allow it.

We crave pardon that we must freely tell your Highnesses, that it hath been our astonishment that your Highnesses have been so long silent, and have deferred to make your just demand, and that you have so long suffered her Royal Highness's Chaplains to pray publicly for this supposed Prince of *Wales*.

Your Highnesses Heart cannot desire the God of Truth and Righteousness to prosper such an Invasion of your own and the Kingdoms Rights, nor to bless the Impostor as such, being set up (tho' an innocent Child) to be a Tool in the Hands of others to destroy the Protestant Profession, your Highnesses Claims to the greatest Inheritance, and the best Civil Government known in the World. We believe your Highnesses to be true Christians, that tremble in the Worship and Prayers before the Eternal Majesty; and therefore hope such a Shew of owning him will not be longer suffered to be acted before the great God that searcheth all the Hearts of Princes and Subjects.

If your Highnesses shall first make this legal Demand proposed, and Satisfaction therein be not given by the Maintainers of the supposed Prince, without Delay, then natural Justice and our Laws dictate, that your Highnesses demand a Retraction by the publick Ministers of the King in all Christian Kingdoms and States, of the false News they have published of the Birth of a Prince of *Wales*, and their Vindication of her Royal Highness's Right apparent to the next Succession of the Crown.

The Practice of the Law in such Cases.

When a wrongful Claimer to be Heir of Inheritance cannot prove his true Descent, the Court wherein he sues his Claim, not only rejects and damns his false Pretences, but openly declares the counterfeit Tricks or Forgeries that they observe to have been attempted to support the false Claim; and our Laws enable the Heir that hath been disturbed, to demand by his Action against the false Pretender, Satisfaction for the Scandal of his lawful Title; and further require his Prosecution for Justice against all the known Confederates in that intended Wrong and Fraud, for their several Crimes therein committed.

We are sensible, that most Catholick Princes have a Prejudice to us in the Rights we claim as *English* Protestants, not knowing our Laws and Liberties; and we have therefore propos'd these two Demands to be first made by your Highnesses, in the Behalf of her Royal Highness and the Kingdom, that we might convince them that we have Reason and Justice, according to their own Laws and Rules of Right, to seek your Highnesses Protection against the King's Practices (as they yet appear) in forcing us to stoop to a counterfeit Prince, and to change the Succession of the Crown and the whole Government; your Highnesses having therein a joint Concern with us; and our Laws, and Nature it self, call upon you to defend your own and the Kingdom's Right, to preserve the Succession of the Crown as is by the Laws established, which the King had no Pretence of Power to change. **6. AP 58**

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